

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-CV-878**

DEMOCRACY NORTH CAROLINA; *et al.*,

Plaintiffs,

vs.

ALAN HIRSCH, in his official capacity as
CHAIR OF THE STATE BOARD OF
ELECTIONS; *et al.*,

Defendants.

**CONSENT MOTION FOR
EXPEDITED BRIEFING AND
CONSIDERATION OF
LEGISLATIVE DEFENDANTS'
MOTION TO DISMISS**

NOW COME Intervenor-Defendants Philip E. Berger, in his official capacity as President *Pro Tempore* of the North Carolina Senate, and Destin C. Hall, in his official capacity as Speaker of the North Carolina House of Representatives (collectively, the “Legislative Defendants”), by and through undersigned counsel, and pursuant to the inherent authority of this Court, hereby move for an order expediting briefing and consideration of Legislative Defendants’ Motion to Dismiss. [D.E. 125]. In support of this Motion, Legislative Defendants provide the following:

1. The Motion to Dismiss presents the issue of whether the consent judgment in *Voto Latino, et al. v. Hirsch, et al.*, Case No. 1:23-cv-861, at D.E. 101 (M.D.N.C. 2023) and *Democratic National Committee, et al. v. Hirsch, et al.*, Case No. 1:23-cv-862, at D.E. 98 (M.D.N.C. 2023) (hereinafter, the “Consent Judgment”) moots Plaintiffs’ claims in this case.

2. Prior to filing the Motion to Dismiss, Counsel for Legislative Defendants met and conferred with counsel for all parties. Specifically, on April 29, 2025, the morning

after entry of the Consent Judgment, counsel for Legislative Defendants emailed all counsel requesting to meet and confer. The parties conferred by videoconference on May 1, 2025, and via email from May 6, 2025 to May 12, 2025. The parties discussed expedited briefing via email on May 12, 2025.

3. Plaintiffs oppose the Motion to Dismiss, but consent to expedited briefing and consideration. North Carolina State Board of Election (“State Board”) Defendants consent to expedited consideration and briefing of the Motion to Dismiss.

4. Due to the jurisdictional nature of Legislative Defendants’ Motion to Dismiss and the impending August 4, 2025, trial date in this matter, the interests of judicial economy and good cause support expedited resolution of the Motion.

5. As good cause exists for expedited briefing and resolution, the parties conferred and agree to an expedited briefing schedule:

- Responses to Legislative Defendants’ Motion to Dismiss due no later than May 30, 2025; and
- Replies due no later than June 6, 2025.

WHEREFORE, for the foregoing reasons, Legislative Defendants respectfully request the Court enter an order expediting briefing and resolution of Legislative Defendants’ Motion to Dismiss, with response briefs due on May 30, 2025, and reply briefs due on June 6, 2025.

Respectfully submitted, this the 13th day of May, 2025.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Phillip J. Strach

Phillip J. Strach (NCSB # 29456)
Alyssa M. Riggins (NCSB # 52366)
Cassie A. Holt (NCSB # 56505)
Jordan A. Koonts (NCSB #59363)
301 Hillsborough Street, Suite 1400
Raleigh, NC 27603
Telephone: (919) 329-3800
Facsimile: (919) 329-3779
phil.strach@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
cassie.holt@nelsonmullins.com
jordan.koonts@nelsonmullins.com

Counsel for Legislative Defendants

CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 13th day of May, 2025.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Phillip J. Strach
Phillip J. Strach (NCSB # 29456)